

## **II. Remarks**

Claims 1-33 were pending in this application. Claims 11-17 and 19-25 have been withdrawn from consideration, claims 1-7 are rejected and claims 8-10, 18 and 26-33 are allowed. The present amendment amends claim 1 to more particularly point out and clarify Applicants' invention. No new matter has been added by the present amendment. After this amendment, claims 1-10, 18 and 26-33 will be pending.

Applicants thank the Examiner for the case interview on November 18, 2008. Those present were Toan To and Daniel Dailey. The amendments made herein are in response to the office action and the discussion from the case interview.

Reconsideration of the application in view of the following remarks is respectfully requested.

### **Rejections under 35 U.S.C. § 102**

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,206,466 issued to Komatsu ("Komatsu"). Applicants respectfully submit that the rejections of claims 1-4 are traversed.

Claim 1 has been amended to recite that the air-bag unit comprises an inflatable air-bag connected to an inflator and a mounting bracket. The airbag is mounted to the back-rest frame via the mounting bracket and is mounted such that the inflator is located adjacent to a rear-most region of the frame so that a significant length of the air-bag bears against the frame as the air-bag is inflated upon the deployment, urging the airbag towards the occupant.

Support for this amendment may be found in Applicants application at paragraph [0035].

Komatsu discloses a side air-bag module 3 that is disposed in a large space 12 formed within a seat cushion pad 11. The space 12 also accommodates a tubular seat back frame 6 and a mounting bracket 7 that is connected to the frame 6 and extends generally outward and forward therefrom. The airbag module 3 is mounted to the mounting bracket 7 immediately adjacent to the bracket's forward portion 7B. *Komatsu* at col. 4, lines 8-55. As illustrated in Figures 1-2 and 6-7, the air-bag module 3 is substantially spaced apart from the seat frame 6 in a forwardly direction. Within the air-bag module 3 is an un-illustrated inflator, a base 15 and an air-bag 17 that is arranged forward of both the base 15 and the inflator. Both the base 15 and the inflator guide the burst-out of the airbag. *Id.* at col. 4, lines 56-67 and col. 5, lines 1-3. Notably, however, Komatsu discloses that this arrangement is a problem because the position and direction of the burst-out of the air-bag 17 is imprecise. *Id.* at Col. 5, lines 4-7. Accordingly, Komatsu disclose providing a reinforcing member 18 on the rear side of the seat's cushion pad 11, inboard and adjacent to the air-bag module 3. The reinforcing member 18 has a front end portion 18A which is positioned generally inward and forward from the air-bag module 3 to control the manner in which the cushion pad 11 will tear. *Id.* at col. 5, lines 9-16 and col. 6, lines 54-65. Specifically, "the reinforcing member 18 functions as a guide for defining the portion 20 along which the cushion pad 11 breaks under bursting force of the air-bag 17." *Id.* at col. 6, lines 19-22. Thus, the air-bag module 3,

which is forwardly spaced apart from the frame 6, will inflate the air-bag 17 to burst through the cushion 11 in a generally inward and forward direction, which is opposite the direction of the frame 6. There is no disclosure that the air-bag 17 will have any portion that bears against the frame 6. Moreover, there is no disclosure that the un-illustrated inflator is located adjacent to a rear-most region of the frame 6. Furthermore, Komatsu fails to disclose that the frame 6 guides or urges the air-bag 17 towards the seat occupant.

This is unlike Applicants' invention as recited in claim 1 where the air-bag unit is mounted to the backseat frame via the mounting bracket such that the inflator is located adjacent to a rear-most region of the frame so that a significant length of the air-bag bears against the frame as the air-bag is inflated upon the deployment, urging the airbag towards the occupant. In that Komatsu lacks the noted elements of claim 1, the rejection based thereon should be withdrawn. Accordingly, Applicants believe claim 1 and its dependent claims are in a condition for allowance.

Rejections under 35 U.S.C. § 103

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu in view of U.S. Patent No. 5,957,486 issued to Taguchi ("Taguchi"). Applicants respectfully submit that the rejections of claims 5-7 are traversed.

Since claims 5-7 depend on claim 1 and since Taguchi fails to disclose an air-bag unit mounted to the backseat frame via a mounting bracket such that the inflator is located adjacent to a rear-most region of the frame so that a

significant length of the air-bag bears against the frame as the air-bag is inflated to urge the airbag towards the occupant, Komatsu and Taguchi cannot render the claim of the present invention as obvious. The rejection under 35 U.S.C. § 103(a) is therefore improper and should be withdrawn.

*Allowable Subject Matter*

Applicants gratefully acknowledge that claims 8-10, 18, and 26-33 are allowed.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Date

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